

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : Case No. 11-06938-MDF
: Chapter 9
CITY OF HARRISBURG, PA, :
Debtor :
: Hearing Date: 11/23/11 at 9:30 AM

**THE COUNTY OF DAUPHIN'S OBJECTIONS TO THE DEBTOR'S
CHAPTER 9 BANKRUPTCY PETITION UNDER 11 U.S.C. §§ 109(C)(2) and 921(C)
AND REQUEST TO DECLARE THE DEBTOR'S BANKRUPTCY PETITION
VOID *AB INITIO***

1. On October 11, 2011 at 10:32 PM the City of Harrisburg, PA (the "Debtor") filed a Chapter 9 bankruptcy petition (the "Petition") in the above captioned case.

2. The Debtor, by and through Susan Wilson on behalf of the city council for the Debtor ("City Council"), filed the Petition and indicated the Petition was authorized to be filed under applicable state law.

3. The County of Dauphin is a creditor of the Debtor.

4. The Debtor, by and through City Council, was not authorized to file the Petition under 11 U.S.C. §§ 109(c)(2) and 921(c) because:

(a) Pennsylvania law prohibits distressed cities, such as the Debtor, from filing for federal bankruptcy protection.

In the event this Court believes there was a statutory basis under Pennsylvania law for the Debtor to file for federal bankruptcy protection, the County of Dauphin alternatively objects to the Petition because:

(b) Pennsylvania law and the Harrisburg City Code prohibit City Council from signing and filing the Petition pursuant to a resolution authorizing such action, and

(c) Pennsylvania law and the Harrisburg City Code require the Petition to be signed and filed by the Mayor and not a member of City Council.

5. The Petition was not filed in compliance with 11 U.S.C. §§ 109(c)(2) and 921(c) and should be dismissed and deemed void *ab initio*.

WHEREFORE, the Petition should be dismissed and declared void *ab initio* because the Debtor was not authorized to file for bankruptcy protection under Pennsylvania law, City Council was not authorized to sign and file the Petition on behalf of the Debtor, and City Council must pass an ordinance to allow the Petition to be signed and filed along with such other relief that is just and proper.

McNEES, WALLACE & NURICK LLC

Date: October 28, 2011

By: /s/ Clayton W. Davidson

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Of Counsel for the County of Dauphin

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CERTIFICATE OF SERVICE

I, Clayton W. Davidson, of the firm of McNees Wallace & Nurick, LLC, hereby certify that I served a true and correct copy of The County Of Dauphin's Objections To The Debtor's Chapter 9 Bankruptcy Petition Under 11 U.S.C. §§ 109(C)(2) And 921(C) And Request To Declare The Debtor's Bankruptcy Petition Void Ab Initio upon the parties listed below by filing it with the Clerk of the Bankruptcy Court using the CM/ECF system.

Eric L. Brossman, Esquire Saul Ewing LLP Penn National Insurance Plaza 2 North Second Street, 7th Floor Harrisburg, PA 17101-1619 Counsel to Assured Guaranty Municipal Corp.	Christopher E. Fisher, Esquire Tucker Arensberg, PC 111 North Front Street P.O. Box 889 Harrisburg, PA 17108 Counsel to the City of Harrisburg, and the Mayor
Neil A. Grover, Esquire 2201 North Second Street Harrisburg, PA 17110 Counsel to Debt Watch Harrisburg and Neil A. Grover	Mark D. Schwartz, Esquire P.O. Box 330 Bryn Mawr, PA 19010 Co-Counsel to the City of Harrisburg, City Council
Paige Macdonald-Matthes, Esquire Serratelli, Schiffman, and Brown, P.C. 2080 Linglestown Road, Suite 201 Harrisburg, PA 17110 Attorney for Covanta Harrisburg, Inc.	Beverly Weiss Manne, Esquire Michael A. Shiner, Esquire Tucker Arensberg, PA 1500 One PPG Place Pittsburgh, PA 15222 Counsel to the City of Harrisburg, and the Mayor

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<p>Margaret M. Manning, Esquire Klehr Harrison Harvey Branzburg LLP 919 Market Street Wilmington, DE 1981</p> <p>Counsel to The Harrisburg Authority</p>	<p>Gregory Lee Taddonio, Esquire Reed Smith LLP 225 Fifth Avenue, Suite 1200 Pittsburgh, PA 15222</p> <p>Co-Counsel to National Public Finance Guarantee Corporation</p>
<p>United States Trustee P.O. Box 969 Harrisburg, PA 17108</p>	<p>Kathryn Evans Perkins, Esquire Patrick Joseph Troy, Esquire Klehr Harrison Harvey Branzburg LLP 1835 Market Street, Suite 1400 Philadelphia, PA 19103</p> <p>Co-Counsel to Syncora Guarantee Inc.</p>

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McNEES WALLACE & NURICK LLC

Date: October 28, 2011

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